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Lead Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HOWARD CHARATZ, Individually)	No. 3:05-cv-02319-MLC-TJB
and On Behalf of All Others Similarly)	(Consolidated)
Situated,)	
)	<u>CLASS ACTION</u>
Plaintiff,)	
)	DECLARATION OF TONY RIPETTO
vs.)	IN SUPPORT OF LEAD
)	PLAINTIFFS' MOTION FOR CLASS
AVAYA, INC., et al.,)	CERTIFICATION
)	
Defendants.)	
)	

I, Tony Ripetto, declare as follows:

1. I respectfully submit this declaration in support of Lead Plaintiffs' Motion for Class Certification. I have personal knowledge of the statements herein and, if called upon as a witness, could and would competently testify thereto.

2. I am the Managing Trustee of District No. 9, I.A. of M. & A.W. Pension Fund (the "Fund"). The Fund's Defined Benefit Plan assets, as of October 2009, were in excess of \$400 million. The Fund purchased a total of 40,000 shares of Avaya, Inc. ("Avaya") stock between March 2, 2005 and April 19, 2005. The Fund did not sell shares of Avaya stock between March 2, 2005 and April 19, 2005. The Fund's transactions in Avaya stock that are the subject of this litigation are set forth in the document attached hereto as Exhibit A. As the Managing Trustee, I have been authorized to seek appointment as class representative in this action on behalf of the Fund.

3. I assumed the duties of Managing Trustee in April 2009. As Managing Trustee, my duties include chairing the quarterly meetings of the Board of Trustees of the Fund, which is the ultimate governing body of the Fund.

4. The Fund is a Taft-Hartley multi-employer pension fund. Its Board of Trustees is composed of equal numbers of representatives of the union and the employers who contribute to the Fund. The Fund provides pension benefits to eligible retirees and beneficiaries. The Fund has been in existence since 1957.

5. The Fund understands that the Private Securities Litigation Reform Act of 1995 was intended to encourage institutional investors and others with meaningful losses to seek to direct securities class actions. The Fund is committed to vigorously prosecuting this litigation. The Fund intends to obtain the largest recovery for the class consistent with good faith and sound judgment.

6. The Fund, through its General Counsel, has received and reviewed periodic updates and other correspondence from Lead and/or Liaison Counsel, cooperated in the collection of materials for discovery, reviewed pleadings and other documents in the case, including the Consolidated Complaint for Violations of the Federal Securities Laws, and participated in discussions with counsel regarding significant developments in the litigation.

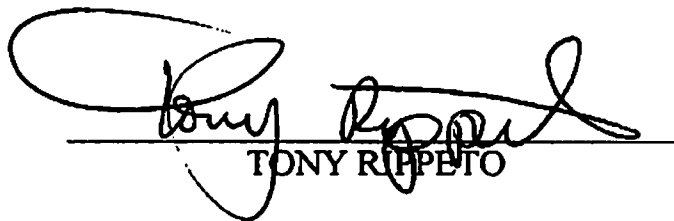
7. The Fund is committed to continuing to actively direct this litigation and maximize the recovery for the class by attending hearings, depositions and/or trial and overseeing the preparation and filing of pleadings, as appropriate. Further, the Fund understands that it owes a fiduciary duty to all members of the proposed class to provide fair and adequate representation and intends to continue to work with Lead Counsel to obtain the largest recovery for the whole class consistent with good faith and meritorious advocacy.

8. The Fund intends to continue to provide fair and adequate representation by, among other things, directing the efforts of its selected counsel Coughlin Stoia Geller Rudman & Robbins LLP ("Coughlin Stoia").

9. The Fund selected Coughlin Stoia as its proposed Lead Counsel based on the firm's substantial experience and expertise in prosecuting securities class actions.

10. In addition, the Fund believes that Coughlin Stoia possesses the necessary financial and human resources to prosecute this case effectively.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 24 day of November 2009, at 2:45 pm.


TONY RIPPETO

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